

## **2013 DRAFTING REQUEST**

### **Bill**

Received:	10/8/2012	Received By:	tkuczens
Wanted:	As time permits	Same as LRB:	
For:	André Jacque (608) 266-9870	By/Representing:	Michael Murphy
May Contact:		Drafter:	emueller
Subject:	Local Gov't - misc Public Util. - misc.	Addl. Drafters:	jkreye phurley
		Extra Copies:	MDK, MES

Submit via email: YES  
Requester's email: Rep.Jacque@legis.wisconsin.gov  
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Allow municipal utility to use tax intercept to collect an arrearage; other provisions related to municipal utility service to tenants

---

### **Instructions:**

Same as 13-0613/2

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1	emueller 3/25/2013		rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	emueller 3/27/2013	scalvin 3/26/2013	phenry 3/26/2013	_____	sbasford 3/26/2013		State S&L
/1	jkreye 4/2/2013	scalvin 3/28/2013	jmurphy 3/28/2013	_____	mbarman 3/28/2013		State S&L
/2	emueller 1/21/2014	scalvin 4/2/2013	jfrantze 4/2/2013	_____	lparisi 4/2/2013		State S&L
/3		scalvin 1/21/2014	rschluet 1/21/2014	_____	lparisi 1/21/2014	srose 1/21/2014	State S&L

FE Sent For:

at  
Intro

<END>

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>10/8/2012</b>	Received By: <b>tkuczens</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>André Jacque (608) 266-9870</b>	By/Representing: <b>Michael Murphy</b>
May Contact:	Drafter: <b>emueller</b>
Subject: <b>Local Gov't - misc Public Util. - misc.</b>	Addl. Drafters: <b>jkreye phurley</b>
	Extra Copies: <b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Allow municipal utility to use tax intercept to collect an arrearage; other provisions related to municipal utility service to tenants

---

### **Instructions:**

Same as 13-0613/2

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1	emueller 3/25/2013		rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	emueller 3/27/2013	scalvin 3/26/2013	phenry 3/26/2013	_____	sbasford 3/26/2013		State S&L
/1	jkreye 4/2/2013	scalvin 3/28/2013	jmurphy 3/28/2013	_____	mbarman 3/28/2013		State S&L
/2	emueller 1/21/2014	scalvin 4/2/2013	jfrantze 4/2/2013	_____	lparisi 4/2/2013		State S&L
/3		scalvin 1/21/2014	rschluet 1/21/2014	_____	lparisi 1/21/2014		State S&L

FE Sent For:

<END>

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>10/8/2012</b>	Received By:	<b>tkuczens</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>André Jacque (608) 266-9870</b>	By/Representing:	<b>Michael Murphy</b>
May Contact:		Drafter:	<b>emueller</b>
Subject:	<b>Local Gov't - misc Public Util. - misc.</b>	Addl. Drafters:	<b>jkreye phurley</b>
		Extra Copies:	<b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Allow municipal utility to use tax intercept to collect an arrearage; other provisions related to municipal utility service to tenants

## **Instructions:**

Same as 13-0613/2

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1	emueller 3/25/2013		rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L

*Handwritten signature and date 12/14*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	emueller 3/27/2013	scalvin 3/26/2013	phenry 3/26/2013	_____	sbasford 3/26/2013		State S&L
/1	jkreye 4/2/2013	scalvin 3/28/2013	jmurphy 3/28/2013	_____	mbarman 3/28/2013		State S&L
/2	emueller 4/2/2013	scalvin 4/2/2013	jfrantze 4/2/2013	_____	lparisi 4/2/2013		State S&L

13 EVM  
1/21/14

FE Sent For:

13 sac

01/21/2014

13 sac

01/21/2014

<END>

**Mueller, Eric**

---

**From:** Julian, Jamie  
**Sent:** Thursday, January 09, 2014 1:19 PM  
**To:** Mueller, Eric  
**Subject:** LRB 0613  
**Attachments:** 13-0613\_P10.pdf

Hi,

When Rob confirms with you that the /10 is correct please be sure to send over an assembly version of the bill, too.

Thank you!

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>10/8/2012</b>	Received By: <b>tkuczens</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>André Jacque (608) 266-9870</b>	By/Representing: <b>Michael Murphy</b>
May Contact:	Drafter: <b>emueller</b>
Subject: <b>Public Util. - electric</b> <b>Public Util. - gas and water</b>	Addl. Drafters: <b>jkreye</b>
	Extra Copies: <b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Collection of certain municipal utility arrearages on rental properties

---

### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1	emueller 3/25/2013		rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L
/P2	emueller	scalvin	phenry	_____	sbasford		State



<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/27/2013	3/26/2013	3/26/2013	_____	3/26/2013		S&L
/1	jkreye 4/2/2013	scalvin 3/28/2013	jmurphy 3/28/2013	_____ _____	mbarman 3/28/2013		State S&L
/2		scalvin 4/2/2013	jfrantze 4/2/2013	_____ _____	lparisi 4/2/2013		State S&L

FE Sent For:

&lt;END&gt;

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>10/8/2012</b>	Received By: <b>tkuczens</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>André Jacque (608) 266-9870</b>	By/Representing: <b>Michael Murphy</b>
May Contact:	Drafter: <b>emueller</b>
Subject: <b>Public Util. - electric</b> <b>Public Util. - gas and water</b>	Addl. Drafters: <b>jkreye</b>
	Extra Copies: <b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Collection of certain municipal utility arrearages on rental properties

---

### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1	emueller 3/25/2013		rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L
/P2	emueller	scalvin	phenry	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/27/2013	3/26/2013	3/26/2013	_____	3/26/2013		S&L
/1		scalvin 3/28/2013	jmurphy 3/28/2013	_____	mbarman 3/28/2013		State S&L

FE Sent For:

*1/2 sec*  
*04/02/2013*

*Jb 4/2 JM*  
**<END>**

**2013 DRAFTING REQUEST****Bill**

Received: **10/8/2012** Received By: **tkuczens**  
 Wanted: **As time permits** Same as LRB:  
 For: **André Jacque (608) 266-9870** By/Representing: **Michael Murphy**  
 May Contact: Drafter: **emueller**  
 Subject: **Public Util. - electric** Addl. Drafters: **jkreye**  
**Public Util. - gas and water**  
 Extra Copies: **MDK, MES**

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Collection of certain municipal utility arrearages on rental properties

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013					
/P1	emueller 3/25/2013		rschluet 3/20/2013		mbarman 3/20/2013		State S&L
/P2		scalvin	phenry		sbasford		State

*JK*  
3/28

*SK*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		3/26/2013	3/26/2013	_____	3/26/2013		S&L

FE Sent For:

<END>

**2013 DRAFTING REQUEST****Bill**

Received: **10/8/2012** Received By: **tkuczens**  
 Wanted: **As time permits** Same as LRB:  
 For: **André Jacque (608) 266-9870** By/Representing: **Michael Murphy**  
 May Contact: Drafter: **emueller**  
 Subject: **Public Util. - electric** Addl. Drafters: **jkreye**  
**Public Util. - gas and water**

Extra Copies: **MDK, MES**

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tracy.kuczynski@legis.wisconsin.gov**

*fixed*

**Pre Topic:**

No specific pre topic given

**Topic:**

Collection of certain municipal utility arrearages on rental properties

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		<i>for</i>			
/P1			rschluet 3/20/2013		mbarman 3/20/2013		State S&L
/P2	<i>EVN</i> 3/25/13	<i>P2 SAC</i> 03/25/2013	<i>3/26 ph</i>	<i>ph</i>			

FE Sent For:

&lt;END&gt;

## **2013 DRAFTING REQUEST**

### **Bill**

Received: <b>10/8/2012</b>	Received By: <b>tkuczens</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>André Jacque (608) 266-9870</b>	By/Representing: <b>Michael Murphy</b>
May Contact:	Drafter: <b>emueller</b>
Subject: <b>Public Util. - electric</b> <b>Public Util. - gas and water</b>	Addl. Drafters: <b>jkreye</b>
	Extra Copies: <b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wi.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Collection of certain municipal utility arrearages on rental properties

---

### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	scalvin 3/19/2013		_____			
/P1			rschluet 3/20/2013	_____	mbarman 3/20/2013		State S&L

FE Sent For:

**<END>**

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>10/8/2012</b>	Received By:	<b>tkuczens</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>André Jacque (608) 266-9870</b>	By/Representing:	<b>Michael Murphy</b>
May Contact:		Drafter:	<b>emueller</b>
Subject:	<b>Public Util. - electric Public Util. - gas and water</b>	Addl. Drafters:	<b>jkreye</b>
		Extra Copies:	<b>MDK, MES</b>

Submit via email: **YES**  
 Requester's email: **Rep.Jacque@legis.wi.gov**  
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

## **Pre Topic:**

No specific pre topic given

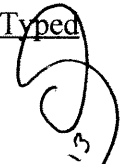
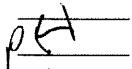
## **Topic:**

Collection of certain municipal utility arrearages on rental properties

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/19/2013	/PI sac 03/19/2013					

FE Sent For:

<END>



## Mueller, Eric

---

**From:** Julian, Jamie  
**Sent:** Wednesday, March 13, 2013 10:00 AM  
**To:** Mueller, Eric  
**Subject:** RE: Please redraft: ASA 1 to AB 182 with changes

Hi Eric,

I just want to touch base on this bill – are there any questions/clarifications I should be aware of at this point?

I think I mentioned this before but just in case I didn't we want to require utilities to notify landlords of late payments in cases where landlords have notified the utility that the resident is not the owner of the property.

Thanks,  
Jamie Julian  
266-9870

---

**From:** Mueller, Eric  
**Sent:** Tuesday, March 05, 2013 12:31 PM  
**To:** Julian, Jamie  
**Subject:** FW: Please redraft: ASA 1 to AB 182 with changes

Jamie,

I'll be handling the drafting of this request, it's been assigned LRB-1800. Please let me know if you have any questions or further instructions.

Eric Mueller  
Attorney, Legislative Reference Bureau  
Phone: (608)261-7032  
[eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

---

**From:** Kuczenski, Tracy  
**Sent:** Tuesday, March 05, 2013 9:44 AM  
**To:** Mueller, Eric; Kunkel, Mark  
**Cc:** Julian, Jamie  
**Subject:** FW: Please redraft: ASA 1 to AB 182 with changes

Hi Mark and Eric –

I just spoke with Jamie Julian in Rep. Jacques's office. Since I am no longer drafting in utilities and the municipal piece is going away, I am forwarding this draft to you. Jamie indicated that getting started on this draft (as a P-draft) is a priority for the representative.

I told Jamie that one of you would get in touch with her to let her know who will be working on it.

Thanks!  
Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau

[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

**From:** Julian, Jamie  
**Sent:** Tuesday, March 05, 2013 9:10 AM  
**To:** Kuczenski, Tracy  
**Subject:** Please redraft: ASA 1 to AB 182 with changes

Hi Tracy,

I'd like to have a bill similar to 2011 AB 182 drafted but with a number of changes.

Please drop any provision for involvement of municipal courts. We would like to add a tax return mechanism that would be administered by the department of revenue. Also, unclaimed property is an eligible source of income if it was not in AB 182. Below are more provisions to incorporate.

Let me know if there are any questions.

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870

*On the issue of distinguishing between customers*

Language that allows municipal utilities to treat customers differently based upon whether they own the property receiving utility service and subject to lien is critical if changes to current law are pursued. If legislation is pursued, request that Wis. Stat. sec. 196.37(5) also be created to read:

It is not unreasonable or unjustly discriminatory for a municipal public utility to adopt application, deposit, disconnection, or collection rules and practices that distinguish between customers based upon whether the customer owns or leases the property receiving utility service and subject to lien under sec. 66.0809(3).

*On the issue of deposits*

Suggest that Section 5 of ASA 1 to AB 182, which creates sec. 66.0809 (6), be revised to read as shown below. This will make the deposit process more workable for municipal utilities.

66.0809(6)(a) A municipal utility that provides water or electric service to a customer who is a tenant of a rental dwelling unit may require the customer to pay a deposit equal to the usual cost of water or electric service for two billing periods ~~an advance~~ as a condition of receiving the service. A municipal utility shall place deposits ~~any advance~~ received under this subsection into an interest-bearing separate segregated account. A municipal utility is not required to pay interest on deposits received under this subsection. When the customer terminates water or electric service to the rental dwelling unit, the municipal utility shall return the deposit

~~advance and accrued interest~~, less any deduction for unpaid water or electric utility bills, to the customer within 21 days after the date that service in the customer's name is terminated to the dwelling unit.

(b) A municipal utility may discontinue water or electric service to a customer who is a tenant of a rental dwelling unit if that customer fails to maintain with the municipal utility a deposit equal to the usual cost of water or electric service for two billing periods.

#### Regarding deferred payment agreements

Deferred payment agreements are not required by statute. However, the PSC's rules require utilities to offer deferred payment agreements before disconnecting service. Requiring deferred payment agreements increase administrative requirements and make disconnection a more expensive and time consuming option for municipal utilities. Eliminating this requirement would make disconnections a more workable option.

If legislation is pursued, sec. 66.0809(7) could be created to read as follows:

66.0809(7) A municipal utility is not required to offer a customer receiving water or electric service a deferred payment agreement.

#### Regarding applications

Another issue where the PSC is adopting rules that go beyond what is required by statute. Requiring all municipal utilities to obtain an "application" for all customers could significantly increase costs for some utilities.

To address this issue, consider creating sec. 66.0809(8):

66.0809(8) A municipal utility may require a customer or prospective customer to submit an application for water or electric service. If no application is required by the municipal utility, the owner of the lot or parcel of real estate to which utility service is furnished shall be the customer, unless the municipal utility is notified in accordance with sec. (5) that a tenant is the customer responsible for the payment of utility charges.



State of Wisconsin  
2011 - 2012 LEGISLATURE

13-0203/PI



LRB60246/1

TKK:jld&kpe:rs

EVN:SAC:

ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 182

INSERTS  
DNATS

In 3/19/13

RMNR

December 27, 2011 - Offered by Representative JACQUE.

Wed. 3/20  
Tomorrow  
mid-morn.

regen

- 1 AN ACT *to renumber and amend* 66.0809 (3); *to amend* 66.0809 (5) (b) 1.,  
2 66.0809 (5) (d) and 565.30 (5r) (b); and *to create* 66.0809 (3) (c), 66.0809 (6) and  
3 800.09 (1m) of the statutes; relating to: assignment of income, prizes, and  
4 earnings to pay a municipal court judgment and the collection and reporting by  
5 municipal electric or water utilities of certain utility arrearages on rental  
6 properties.

***Analysis by the Legislative Reference Bureau***

Under current law, if a person fails to pay a judgment ordered by a municipal court, the court may do any of the following:

1. Defer any payment of the judgment for a period of time.
2. Allow the person to pay the judgment by making installment payments.
3. Order the person to perform community service work in lieu of paying the judgment.
4. Suspend the person's driving privileges until the judgment is paid, including taking possession of the person's license to drive.

This substitute amendment provides the court with another option by allowing the court to issue an order assigning not more than 25 percent of the person's

earnings, worker's compensation, pension, and other money due to the person, but not including lottery prizes, to pay an unpaid judgment.

Under current law, a municipal utility may collect arrearages for utility service provided to lots or parcels of real estate by providing, on October 15, a written notice of payment due to the owner or occupant of the real estate. The notice must specify the amount of the arrearage and any penalty and must state the following: 1) that, if payment is not received by November 1, an additional penalty will be assessed; and 2) that, if payment is not received by November 15, the arrearage amount and any penalties will become a lien on the property that will be collected as a tax on the property.

Also under current law, if a municipal utility provides electric or water service to a rental dwelling unit, the municipal utility may use the arrearage collection procedure described above only if the municipal utility follows certain additional procedures for notifying both the owner and the tenant about any payments that are past due. In addition, the municipal utility may use the arrearage collection procedure only if the owner of the rental property provides the municipal utility with written notification of the name and address of the owner, as well as of the tenant who is responsible for paying for the service. Finally, if requested by the municipal utility, the owner must provide the municipal utility with a copy of the rental or lease agreement in which the tenant assumes responsibility for payment of utility charges.

This ~~substitute amendment~~ provides that, if the municipal utility uses the arrearage collection procedure on a rental dwelling unit, the utility must report the arrearage and the name and last-known address of the tenant who incurred the past-due amounts on the consolidated court automation program case management system when the past-due amounts become a lien on the rental property. Under the substitute amendment, the owner of the rental property may commence an action in municipal court to collect the past-due amount from the tenant.

The ~~substitute amendment~~ also permits a municipal utility that provides service to a tenant of a rental dwelling unit to collect an advance payment from the tenant as a condition of receiving utility service. The municipal utility must deposit the advance in an interest-bearing account and must return the advance payment and any accrued interest (less any deduction for unpaid utility bills) within 21 days after service is terminated.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

x

- 1           SECTION 1. 66.0809 (3) of the statutes is renumbered 66.0809 (3) (a) and  
2           amended to read:  
3           66.0809 (3) (a) Except as provided in subs. (4) and (5), on October 15 in each  
4           year notice shall be given to the owner or occupant of all lots or parcels of real estate

1 to which utility service has been furnished prior to October 1 by a public utility  
2 operated by a town, city or village and payment for which is owing and in arrears at  
3 the time of giving the notice. The department in charge of the utility shall furnish  
4 the treasurer with a list of the lots or parcels of real estate for which utility service  
5 charges are in arrears, and the notice shall be given by the treasurer, unless the  
6 governing body of the city, village or town authorizes notice to be given directly by  
7 the department. The notice shall be in writing and shall state the amount of arrears,  
8 including any penalty assessed pursuant to the rules of the utility; that unless the  
9 amount is paid by November 1 a penalty of 10 percent of the amount of arrears will  
10 be added; and that unless the arrears, with any added penalty, are paid by November  
11 15, the arrears and penalty will be levied as a tax against the lot or parcel of real  
12 estate to which utility service was furnished and for which payment is delinquent.  
13 The notice may be served by delivery to either the owner or occupant personally, or  
14 by letter addressed to the owner or occupant at the post-office address of the lot or  
15 parcel of real estate. On November 16 the officer or department issuing the notice  
16 shall certify and file with the clerk a list of all lots or parcels of real estate, giving the  
17 legal description, for which notice of arrears was given and for which arrears remain  
18 unpaid, stating the amount of arrears and penalty. Each delinquent amount,  
19 including the penalty, becomes a lien upon the lot or parcel of real estate to which the  
20 utility service was furnished and payment for which is delinquent, and the clerk  
21 shall insert the delinquent amount and penalty as a tax against the lot or parcel of  
22 real estate. All proceedings in relation to the collection of general property taxes and  
23 to the return and sale of property for delinquent taxes apply to the tax if it is not paid  
24 within the time required by law for payment of taxes upon real estate. Under

(b) Under this subsection, if an arrearage is for utility service furnished and metered by the utility directly to a manufactured home or mobile home unit in a licensed manufactured and mobile home community, the notice shall be given to the owner of the manufactured home or mobile home unit and the delinquent amount becomes a lien on the manufactured home or mobile home unit rather than a lien on the parcel of real estate on which the manufactured home or mobile home unit is located. A lien on a manufactured home or mobile home unit may be enforced using the procedures under s. 779.48 (2). This In this paragraph, "metered" means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.

(d) <sup>plain</sup> ~~This~~ subsection does not apply to arrearages collected using the procedure under s. 66.0627. ~~In this subsection, "metered" means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.~~

SECTION 2. 66.0809 (3) (c) of the statutes is created to read:

66.0809 (3) (c) <sup>a</sup> ~~1.~~ Under this subsection, if an arrearage is for utility service furnished to a rental dwelling unit and the utility is required to follow the procedures under sub. (5) (b) 1., the municipal public utility shall, when a county within which the dwelling unit is located maintains a case management system, report the arrearage and the name and the last-known address of the tenant who incurred the delinquent amounts on the consolidated court automation program case management system maintained by the director of state courts at the time the delinquent amount becomes a lien upon the lot or parcel of real estate to which the utility service was furnished.

2. The owner of the lot or ~~parcel of real estate~~ to which a lien is attached under subd. 1. may commence an action ~~in municipal court~~ to collect the delinquent

1 amounts from the tenant who incurred the delinquent amounts using the procedures  
2 in ch. 800.

3 **SECTION 3.** 66.0809 (5) (b) 1. of the statutes is amended to read:

4 66.0809 (5) (b) 1. In order to comply with this subdivision, a municipal public

5 utility shall send bills for water or electric service to a customer who is a tenant in

6 the tenant's own name. ~~Each time that a municipal public utility notifies a customer~~

7 ~~who is a tenant that charges for water or electric service provided by the utility to~~

8 ~~the customer are past due for more than one billing cycle, the utility shall also serve~~

9 ~~a copy of the notice on the owner of the rental dwelling unit in the manner provided~~

10 ~~in s. 801.14 (2).~~ If a customer who is a tenant vacates his or her rental dwelling unit,

11 and the owner of the rental dwelling unit provides the municipal public utility, no

12 later than 21 days after the date on which the tenant vacates the rental dwelling

13 unit, with a written notice that contains a forwarding address for the tenant and the

14 date that the tenant vacated the rental dwelling unit, the utility shall continue to

15 send past-due notices to the customer at his or her forwarding address until the

16 past-due charges are paid or until notice has been provided under sub. (3) (a).

17 **SECTION 4.** 66.0809 (5) (d) of the statutes is amended to read:

18 66.0809 (5) (d) If this subsection applies and a municipal public utility is

19 permitted to collect arrearages under sub. (3), the municipal public utility shall

20 provide all notices under sub. (3) (a) to the owner of the property.

21 **SECTION 5.** 66.0809 (6) of the statutes is created to read:

22 66.0809 (6) A municipal utility that provides water or electric s

23 customer who is a tenant of a rental dwelling unit may require the custo

24 an advance as a condition of receiving the service. A municipal utility s

25 any advance received under this subsection into an interest-bearing acc

LPS: next  
text in draft  
will be INS 9-23.



1 the customer terminates water or electric service to the rental dwelling unit, the  
2 municipal utility shall return the advance and accrued interest, less any deduction  
3 for unpaid water or electric utility bills, to the customer within 21 days after the date  
4 that service is terminated to the dwelling unit.

5 **SECTION 6.** 565.30 (5r) (b) of the statutes is amended to read:

6 565.30 (5r) (b) Subject to par. (c), if the administrator receives a notice under  
7 s. 778.30 (2) (a), ~~800.09 (1) (e)~~, or 973.05 (5) (a) of the assignment of lottery prizes  
8 under s. 778.30 (1) (c), ~~800.09 (1) (e)~~, or 973.05 (4) (c) and determines that the person  
9 subject to the assignment is a winner or assignee of a lottery prize that is payable in  
10 installments, the administrator shall withhold the amount of the judgment that is  
11 the basis of the assignment from the next installment payment. The administrator  
12 shall submit the withheld amount to the court that issued the assignment. At the  
13 time of the submittal, the administrator shall charge the administrative expenses  
14 related to that withholding and submittal to the winner or assignee of the lottery  
15 prize and withhold those expenses from the balance of the installment payment. The  
16 administrator shall notify the winner or assignee of the reason that the amount is  
17 withheld from the installment payment. If the initial installment payment is  
18 insufficient to pay the judgment and administrative expenses, the administrator  
19 shall withhold and submit to the court an amount from any additional installment  
20 payments until the judgment and administrative expenses are paid in full and the  
21 assignment is no longer in effect. The administrative expenses received by the  
22 department shall be credited to the appropriation under s. 20.566 (1) (h).

23 **SECTION 7.** 800.09 (1m) of the statutes is created to read:

24 800.09 (1m) (a) In this subsection, "employer" includes the state and the  
25 political subdivisions of the state.

1 (b) The court may issue an order assigning not more than 25 percent of the  
2 defendant's commissions, earnings, salaries, wages, pension benefits, benefits under  
3 ch. 102, and other money due or to be due in the future, but not including lottery  
4 prizes, to the municipal court for payment of the unpaid restitution, forfeiture, costs,  
5 fees, or surcharges.

6 (c) Upon entry of the assignment under par. (b), unless the court finds that  
7 income withholding is likely to cause the defendant irreparable harm, the court shall  
8 provide notice of the assignment by regular mail to the last-known address of the  
9 person from whom the defendant receives or will receive money. If the municipal  
10 court does not receive the money from the person notified, the court shall provide  
11 notice of the assignment to any other person from whom the defendant receives or  
12 will receive money. Notice of an assignment under par. (b) shall inform the intended  
13 recipient that, if a prior assignment under par. (b) or s. 778.30 (1) or 973.05 (4) has  
14 been received relating to the same defendant, the recipient is required to notify the  
15 municipal court that sent the subsequent notice of assignment that another  
16 assignment has already been received. A notice of assignment shall include a form  
17 permitting the recipient to designate on the form that another assignment has  
18 already been received.

19 (d) Notice under this subsection may be a notice of the court, a copy of the  
20 executed assignment or a copy of that part of the court order that directs payment.

21 (e) For each payment made under the assignment under par. (b), the person  
22 from whom the defendant under the order receives money shall receive an amount  
23 equal to the person's necessary disbursements, not to exceed \$3, which shall be  
24 deducted from the money to be paid to the defendant.

(f) A person who receives notice of the assignment under this subsection shall withhold the amount specified in the notice from any money that person pays to the defendant later than one week after receipt of the notice of assignment. Within 5 days after the day on which the person pays money to the defendant, the person shall send the amount withheld to the municipal court of the jurisdiction providing notice. If the person has already received a notice of an assignment under this subsection or s. 778.30 (2) or 973.05 (5), the person shall retain the later assignment and withhold the amount specified in that assignment after the last of any prior assignments is paid in full. Within 10 days of receipt of the later notice, the person shall notify the municipal court that sent the notice that the person has received a prior notice of an assignment under par. (b). Section 241.09 does not apply to assignments under this subsection.

(g) If after receipt of notice of assignment under this subsection the person from whom the defendant receives money fails to withhold the money or send the money to the municipal court as provided in this subsection, the person may be proceeded against under the principal action under s. 800.12 for contempt of court or may be proceeded against under ch. 778 and be required to forfeit not less than \$50 nor more than an amount, if the amount exceeds \$50, that is equal to 1 percent of the amount not withheld or sent.

(h) If an employer who receives notice of an assignment under this subsection fails to notify the municipal court within 10 days after an employee is terminated or otherwise temporarily or permanently leaves the employer's employment, the employer may be proceeded against under the principal action under s. 800.12 for contempt of court.

1 (i) Compliance by the person from whom the defendant receives money with  
2 the order operates as a discharge of the person's liability to the defendant as to that  
3 portion of the defendant's commissions, earnings, salaries, wages, benefits, or other  
4 money so affected.

5 (j) No employer may use an assignment under par. (b) as a basis for the denial  
6 of employment to a defendant, the discharge of an employee, or any disciplinary  
7 action against an employee. An employer who denies employment or discharges or  
8 disciplines an employee in violation of this paragraph may be subject to a forfeiture  
9 of not more than \$500 and may be required to make full restitution to the aggrieved  
10 person, including reinstatement and back pay. Restitution shall be in accordance  
11 with s. 973.20. An aggrieved person may apply to the district attorney or to the  
12 department of workforce development for enforcement of this paragraph.

13 (k) 1. In this paragraph, "payroll period" has the meaning given in s. 71.63 (5).

14 2. If after an assignment is in effect the defendant's employer changes its  
15 payroll period, or the defendant changes employers and the new employer's payroll  
16 period is different from the former employer's payroll period, the municipal court  
17 may amend the withholding assignment or order so that the withholding frequency  
18 corresponds to the new payroll period and the amounts to be withheld reflect the  
19 adjustment to the withholding frequency.

20 (L) The municipal court shall provide notice of the amended withholding  
21 assignment or order under par. (k) by regular mail to the defendant's employer and  
22 to the defendant.

23 **SECTION 8. Initial applicability.**

24 (1) The treatment of section 66.0809 (5) (b) 1, <sup>and</sup> (d), and (e) of the statutes, the  
25 renumbering and amendment of section 66.0809 (3) of the statutes, and the creation

INS  
9-23

1 of section 66.0809 (3) (c) of the statutes first apply to arrearages incurred on the  
2 effective date of this subsection.

3 (2) The treatment of section 66.0809 (6) of the statutes first applies to a  
4 customer who requests water or electric service on the first day of the 2nd month  
5 beginning after publication.

6 (3) The treatment of sections 565.30 (5r) (b) and 800.09 (1m) of the statutes first  
7 applies to judgments entered on the effective date of this subsection.

8 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
9 except as follows:

10 (1) The treatment of sections 565.30 (5r) (b) and 800.09 (1m) of the statutes and  
11 SECTION 8 (3) of this act take effect on the first day of the 4th month beginning after  
12 publication.

13 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4007/P2

JK:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT *to renumber* 71.935 (2); *to amend* 71.935 (1) (cr); and *to create* 71.935  
2 (2) (b) of the statutes; **relating to:** intercepting a lessee's tax refund to pay a  
3 debt owed to a municipal utility.

*Analysis by the Legislative Reference Bureau*

Under current law, if any person owes a debt of at least \$20 to a county or municipality, and if the debt has been reduced to a judgment or the county or municipality has provided the debtor reasonable notice and an opportunity to be heard with regard to the debt, the county or municipality may certify the debt to the Department of Revenue (DOR) so that DOR may collect the debt by subtracting the debt amount from any tax refund owed to the debtor. Under current law, for purposes of certifying debt to DOR, a "municipality" means any city, village, or town, and includes any entity providing consolidated services among cities, villages, and towns.

This bill ~~clarifies that~~ for purposes of collecting debts from tax refunds, a "municipality" includes a municipal utility. Under the bill, if a ~~lessee~~ <sup>tenant</sup> owes a debt to a municipal utility, the lessor may pay the debt and submit a request to the municipal utility, along with a fee for administrative expenses, to have the municipal utility certify the debt to DOR so that DOR may collect the debt by subtracting the debt amount from any tax refund owed to the ~~lessee~~ <sup>tenant</sup>. If DOR collects the debt, the municipal utility reimburses the lessor for the amount the lessor paid. <sup>may</sup>

FE S & L

<sup>tenant</sup>

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0203/ins

.....

1           INS 9-23

2

3           (a) A municipal utility that provides water or electric service to a customer who

4 is a tenant of a rental dwelling unit may require the customer to pay a deposit equal

5 to the usual cost of water or electric service for two billing periods as a condition of

6 receiving the service. A municipal utility shall place any deposit received under this

7 subsection into a separate segregated account. A municipal utility is not required

8 to pay interest on deposits received under this subsection. When the customer

9 terminates water or electric service to the rental dwelling unit, the utility shall

10 return the deposit, less any deduction for unpaid water or electric utility bills, to the

11 customer within 21 days after the date that service in the customer's name is

12 terminated to the dwelling unit.

13           (b) A municipal utility may discontinue water or electric service to a customer

14 who fails to maintain with the municipal utility a deposit required under par. (a).

15           **SECTION 1.** 66.0809 (7) of the statutes is created to read:

16           66.0809 (7) A municipal utility is not required to offer a customer receiving

17 water or electric service a deferred payment agreement.

18           **SECTION 2.** 66.0809 (8) of the statutes is created to read:

19           66.0809 (8) A municipal utility may require a customer or prospective customer

20 to submit an application for water or electric service. If no application is required

21 by the utility, the owner of the lot or parcel of real estate to which utility service is

22 furnished shall be the customer, unless the municipal utility is notified as provided

1 in sub. (5) that a tenant is the customer responsible for the payment of utility  
2 charges.

3 **SECTION 3.** 196.37 (5) of the statutes is created to read:

4 196.37 (5) It is not unreasonable or unjustly discriminatory for a municipal  
5 utility to adopt application, deposit, disconnection, or collection rules and practices  
6 that distinguish between customers based upon whether the customer owns or leases  
7 the property receiving utility service and <sup>whether the property is</sup> subject to a lien under s. 66.0809 (3).

Insert 2-2 A & B



*Insert 2-2A*

Section #. 71.935 (1) (cr) of the statutes is amended to read:

71.935 (1) (cr) "Municipality" means any city, village, or town, and includes any entity formed pursuant to an intergovernmental cooperation contract or agreement under s. 66.0301 to provide consolidated services directly to cities, villages, and towns.

History: 1995 a. 27; 1997 a. 27; 2003 a. 177; 2005 a. 25, 59, 254, 454; 2007 a. 96, 97; 2011 a. 32, 142.

*1 and any municipal public utility*

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

SECTION 1. 71.935 (1) (cr) of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

71.935 (1) (cr) "Municipality" means any city, village, or town, and includes any entity providing consolidated services among cities, villages, and towns and any municipal utility.

SECTION 2. 71.935 (2) of the statutes is renumbered 71.935 (2) (a).

SECTION 3. 71.935 (2) (b) of the statutes is created to read:

71.935 (2) (b) If a <sup>tenant</sup> lessee owes a debt to a <sup>public</sup> municipal utility, the lessor may pay the debt and submit a request to the municipal utility, along with a fee for administrative expenses, to have the municipal <sup>utility</sup> certify the debt to the department as provided in par. (a) so that the department may set off the debt against any refund owed to the lessee. If the department collects the debt, the municipal utility shall reimburse the lessor for the amount of the lessee's debt that the lessor paid.

(END)

tenant

that is subject to s. 66.0809(3) and (5)

Ins-2-2B

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0203/?dn

f.....  
FVM:sac:

- date -

ATTN: Jamie Julian

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. This draft does not include a provision allowing a municipal utility to access unclaimed property. Do you have a procedure in mind? For example, what would you like to require be provided to the holder of unclaimed property before it is released to a utility? Which holders of unclaimed property should be included?
2. The provision included at s. 196.37 (5) of this draft states that various rules and practices are not unreasonable or unjustly discriminatory. That provision, however, does not clearly permit a municipal utility to adopt rules and practices. Would you like a more clear authorization?
3. The term "usual cost" in s. 66.0809 (6) (a) of this draft is ambiguous. Would you like to clarify the term?
4. I reworded the discontinuance authorization in s. 66.0809 (6) (b) to permit discontinuance only when a customer is out-of-compliance with par. (a). The provided language could be read to allow discontinuance if the "usual cost" changed, whether or not the customer was aware. Please let me know if this does not meet your intent.
5. I am not certain what is the import of the second sentence of s. 66.0809 (8) of this draft. Is there a need to define a "customer?" Are both this provision and s. 66.0809 (5) (a) 3. necessary?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0203/P1dn  
EVM:sac:rs

March 20, 2013

ATTN: Jamie Julian

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. This draft does not include a provision allowing a municipal utility to access unclaimed property. Do you have a procedure in mind? For example, what would you like to require be provided to the holder of unclaimed property before it is released to a utility? Which holders of unclaimed property should be included?
2. The provision included at s. 196.37 (5) of this draft states that various rules and practices are not unreasonable or unjustly discriminatory. That provision, however, does not clearly permit a municipal utility to adopt rules and practices. Would you like a more clear authorization?
3. The term "usual cost" in s. 66.0809 (6) (a) of this draft is ambiguous. Would you like to clarify the term?
4. I reworded the discontinuance authorization in s. 66.0809 (6) (b) to permit discontinuance only when a customer is out-of-compliance with par. (a). The provided language could be read to allow discontinuance if the "usual cost" changed, whether or not the customer was aware. Please let me know if this does not meet your intent.
5. I am not certain what is the import of the second sentence of s. 66.0809 (8) of this draft. Is there a need to define a "customer?" Are both this provision and s. 66.0809 (5) (a) 3. necessary?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: eric.mueller@legis.wisconsin.gov